

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

PRINCE TELECOM, LLC)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
TOTAL QUALITY ASSURANCE CABLE)	
SPECIALISTS, INC.)	
)	
and)	REMOVED FROM MISSOURI
)	CIRCUIT COURT 19TH
)	JUDICIAL CIRCUIT
NAVIGATORS INSURANCE COMPANY)	
)	
Defendants.)	

NOTICE OF REMOVAL OF CAUSE

To: **Attorney for Plaintiff**
Curtis, Heinz, Garrett & O’Keefe P.C.
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United States District Court, Western District of Missouri, Central Division
Christopher S. Bond Court House
80 Lafayette Street
Jefferson City, MO 65101
(573) 636-4015

Defendant NAVIGATORS INSURANCE COMPANY (“Navigators”), under 28 U.S.C. § 1332 and 28 U.S.C. § 1441, notifies this Honorable Court that the above-entitled cause has been removed from the Nineteenth Judicial Circuit of Cole County, Missouri to the United States District Court for the Western District of Missouri, Central Division, and in support of said notice states as follows:

1. Plaintiff's Summons and Complaint in this matter seeks damages from Defendant Total Quality Assurance Cable Specialists, Inc. ("TQA") for breach of contract and seeks contribution. Plaintiff's petition further seeks a declaratory judgment against Defendant Navigators. The lawsuit was served on Navigators on May 26, 2021. Navigator's removal is timely as it is within 30 days of service. A copy of the Summons and Petition is attached hereto as **Exhibit A**. A copy of the docket sheet is attached hereto as **Exhibit B**.

2. The parties are of diverse citizenship.

3. Plaintiff is a limited liability company organized and existing under the laws of the State of Delaware. *See* Petition, ¶ 1. Upon information and belief Plaintiff has its corporate offices in Delaware and its members are citizens of Delaware.

4. Defendant TQA is a South Dakota corporation with its principal place of business located in South Dakota.

5. Defendant Navigators is a New York corporation with its principal place of business located in Connecticut.

6. The amount in controversy is in excess of \$75,000.00, exclusive of interest and costs. In particular, Plaintiff is seeking insurance coverage from Defendant Navigators including a payment for its defense and indemnity relating to personal injury claims alleged by a third party. *See Exhibit A*. For purposes of a declaratory judgment action, the amount in controversy ordinarily equals the probable costs of defending and indemnifying Plaintiff in the underlying dispute (less any deductible). *Scottsdale Ins. Co. v. Universal Crop. Prot. Alliance, LLC*, 620 F.3d 926, 932 (8th Cir. 2010) (finding that Scottsdale alleged the jurisdictional minimum in good faith where "it did not appear to be a legal certainty that the amount in controversy was less than what it alleged."). Plaintiff's claims arise out of an underlying personal injury claim for injury and

damages resulting from an alleged trip and fall over telecommunications facilities, which Navigators anticipates will cost in excess of \$75,000 to defend and indemnify. Navigators therefore has a good faith basis for alleging the jurisdictional minimum is met and it is not a legal certainty that the amount in controversy is less than \$75,001.

7. Accordingly, this Court has original jurisdiction over this action under 28 U.S.C. § 1332, as the parties are diverse and the amount in controversy exceeds the jurisdictional amount of \$75,000.00. Defendant is, therefore, entitled to remove this action to this Court under 28 U.S.C. § 1441.

8. Venue within the Western District of Missouri, Central Division, is appropriate under 28 U.S.C. §§ 89 and 1441(a), as the Circuit Court of Cole County Missouri, where Plaintiff filed its Petition, is located within said district and division.

9. In compliance with 28 U.S.C. § 1446(b), this Notice of Removal was filed with this Court within thirty (30) days after Navigators' receipt of the Summons and Petition on May 26, 2021.

10. Pursuant to 28 U.S.C. 1447(b), true and correct copies of all process, pleadings, and orders sent to and received by the Circuit Court of the Nineteenth Judicial Circuit of Missouri will be submitted to this Court upon receipt of same.

11. In filing this Notice of Removal, Navigators does not waive any denials, objections, or defenses that may be available to it, including jurisdictional defenses.

12. In accordance with 28 U.S.C. § 1446(d), Navigators will promptly file a copy of this Notice with the Clerk of the Circuit Court of Cole County, Missouri, and will give notice thereof to all adverse parties.

13. Defendant TQA consents to this removal.

WHEREFORE, Defendant Navigators Insurance Company notifies this Court that this cause has been removed from the Sixteenth Judicial Circuit of Jackson County, Missouri to the United States District Court for the Western District of Missouri pursuant to the provisions of 28 U.S.C. §§ 1441, 1446.

Respectfully submitted,

NAVIGATORS INSURANCE COMPANY

By: /s/ Daniel E. Tranen
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Attorneys for Navigators Ins. Co.

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NAVIGATORS INSURANCE COMPANY)	
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Defendants.)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing

Notice was served electronically on June 25, 2021 to:

Attorney for Plaintiff

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/s/ Jesse Gray